

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

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**SPEECH-LANGUAGE PATHOLOGY PRACTICE COMMITTEE MEETING MINUTES
AUGUST 11, 2006**

Committee Members Present

Lisa O'Connor, M.A., Chairperson
Carol Murphy, M.A.
Jennifer Hancock, M.A.
Diana Verdugo M.S.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Kathi Burns, Senior Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel via telephone

Board Members Present

Rebecca Binge, M.A.
Alison Grimes, Au.D.
Paul Donald, M.D.
Naomi Smith, Au.D.

Guests Present

Robert Powell, California Speech-Language-Hearing Association
Mindy Newhouse, Speech-Language Pathologist
Robert Ivory, California Academy of Audiology

I. Call to Order

Chairperson O'Connor called the meeting to order at 9:10 a.m.

II. Introductions

Those present introduced themselves. Ms. O'Connor introduced the two new members recently appointed to the Board, Naomi Smith, AuD and Paul Donald, MD., who were in the audience.

III. Discussion of Behavioral Intervention Personnel Providing Speech and Language Evaluations/Recommendations – Review of the document published by the Tri-Counties Regional Center “Recommendations for Assessment, Intervention and Family Supports for Children with Autism.” Revised January 4, 2002

Mindy Newhouse, a speech-language pathologist spoke about her concerns regarding the practice of “communication” services being performed by individuals providing behavioral intervention services to children with autism. Specifically, Tri County Regional Center (TCRC) has prepared a document that suggests that behavioral interventionists may provide adequate speech and language intervention during their work with the child, thus eliminating the need for separate speech-language services by a licensed speech-language pathologist. The document suggests that behavioral interventionists providing in-home therapy to autistic children are qualified to also provide speech and language therapy.

Ms. Newhouse explained her frustration with other practitioners providing speech and language specific therapies and described such experiences to the Committee. She commented that often psychologists providing behavioral therapies may also attempt to treat a child for communication issues, or even defer to a behaviorist for follow-up activities. She stated that such communication services should be provided by a speech-language pathologist who has been specifically trained to provide such services. Ms. Newhouse expressed concern regarding the fact that most parents are unaware that psychologists and other non-speech-language pathology personnel are not appropriately trained or licensed to provide communication services.

Mr. Powell commented that some of the infant-toddler programs within the regional centers are school-based programs, which are desperate for any in-home service providers paid for by state funding.

Ms. Del Mugnaio explained that should the Board receive a complaint from a parent whose child received speech and language services from an unlicensed person, it would be investigated like any other unlicensed activity allegation. Ms. Del Mugnaio explained the Board’s complaint in-take and enforcement process and encouraged Ms. Newhouse to direct the parents of the children she serves to the Board regarding any related questions and/or concerns.

Ms. Del Mugnaio explained that it is sometimes difficult to justify administrative discipline or even sanctions in cases where a good-intentioned provider or entity is supplying support services to a disabled child where the child is benefiting from the services and the parents are seeing improvements in the child’s functioning. She explained that it is difficult to prevent, excuse, or remove such services in the name of “consumer protection.” Ms. Del Mugnaio suggested that educating the regional centers and service personnel about the laws and regulations governing the practice of speech-language pathology is one step that might be taken. However, the Board should also be prepared to offer suggestions regarding the limited access and funding issues these regional centers and school districts currently face. She suggested including the option of employing speech-language pathology assistants (SLPAs) in the education letter with information about the SLPA scope of responsibilities and supervision parameters.

Ms. O'Connor reported that she had received an inquiry from a speech-language pathologist inquiring whether speech-language pathologists may use behavioral management strategies.

Ms. Del Mugnaio explained that behavioral management is not specifically addressed in the speech-language pathology scope of practice. Ms. O'Connor mentioned that anyone working with children use general behavior modification strategies as part of the intervention process. However, that is not the same as being trained to use a specific technique such as applied behavioral analysis. She further stated that it is unclear as to what "behavioral management" may actually mean. Ms. Del Mugnaio stated that an SLP with special training in a particular behavioral method could certainly implement those practices, but she emphasized they would do so based on their certificate or proof of having completed such training and not under their SLP license. In other words, the license should not be used as an authorization to perform services that are outside the scope of practice.

Mr. Ritter concurred that this is not an issue for the Board.

Dr. Donald responded that the Board has a responsibility to aggressively pursue harmful situations that are brought to the Board's attention. He stated that if a speech-language pathologist becomes aware of a situation where harm has been done or may be imminent, the speech-language pathologist should file a complaint with the Board and also encourage the parents of these children to do the same.

Mr. Powell provided an overview of the Lanterman Act, which serves as the regulatory provisions for state regional centers. He stated there is disparity among the provider guidelines of the more than twenty independent regional centers that provide state/federal funded services to various communities with different dynamics. Mr. Powell stated that initially the Lanterman Act was designed to address mental health services and over the years new services have been added on to the regional centers' responsibilities, including the more recent infant toddler communication services. He reported that the services are severely under-funded and, thus, communication services aren't always a priority.

The Committee decided to recommend to the full Board that a letter of education be sent to the Department of Developmental Services and all regional centers in the state regarding the Board's concern with the Tri County Regional Center's resource document and the use of unlicensed individuals providing in-home speech-language pathology services. In addition, the document should educate the parties about the option of employing SLPAs and provide clear direction on the governing laws and regulations.

Mr. Powell added that the Department of Education is proposing regulations to establish guidelines for treating children with autism,

Ms. Hancock recommended using Ms. O'Connor's original letter as a guideline in developing the letter.

There being no further discussion, Chairperson O'Connor adjourned the meeting at 10:05 p.m.

Annemarie Del Mugnaio, Executive Officer